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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,096	11/13/2001	Yeoun Suk Kim	P-0272	6502

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EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,096

Applicant(s)

KIM ET AL.

Examiner

Stella L. Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-23 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,8,10,11,13-16,18-20 and 24-35 is/are rejected.
- 7) ☒ Claim(s) 3,6,9,12,17,36 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-5, 7-8, 10-11, 13-16, 18-20, 24-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson (US 6,215,859 B1) in view of Steinberg (US 6,618,763 B1).

Regarding claims 1, 4, 8, 10, 15, 16, 18, 21, Hanson discloses a method of transmitting a message, comprising:

inputting identification numbers of receivers (caller inputs voice mailbox addresses of the individual message recipients; Figure 2, step 32; col. 4, lines 31-33);

determining a message transmission type (system determines whether the message is an urgent message; Figure 2, steps 34 and 35; col. 4, lines 36-40);

transmitting (urgent message delivery is attempted to the plurality of recipients by calling each intended recipient using a telephone number registered with the central office serving each recipient; Figure 2, steps 37, 38, 40-44; col. 4, lines 40-42, 51-55); and

if the transmission succeeds (system determines whether a live recipient answers after which the message is delivered; Fig. 2, steps 43-44; col. 5, line 64 – col. 6, line 4), confirming whether any further receivers of the message exist (system determines if all recipients have received urgent messages; Figure 2, step 38; col. 4, lines 56-57, 59) and, if no further receivers

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exist, returning to an idle mode (if all intended recipients have received the urgent message, the delivery of the urgent message is considered complete; Figure 2, step 39; col. 4, lines 60-61).

Hanson differs from the claims in that it does not specify the message as being a text message. However, Steinberg teaches that it is well known in the messaging art to allow for urgent text message delivery as well as voice (Figure 3B; col. 1, line 56 – col. 2, line 7; col. 2, line 48 – col. 3, line 24) such that it would have been obvious to an artisan of ordinary skill to provide for text message delivery, as taught by Steinberg, within the message delivery method of Hanson to allow the user the option of sending a text message as an alternative to voice.

Regarding claims 2, 8, messages are delivered to recipients sequentially (see Figure 2, step 40).

Regarding claim 5, 11, 20, Hanson teaches retrying if a first delivery attempt is unsuccessful (Fig. 2, step 41).

Regarding claims 7, 14, 19, 25, 26, 31, 32, Hanson provides for identifying a plurality of recipients as an aliased group, which is known to be assigned a single identification number (col. 4, lines 33-35).

Regarding claim 13, in Hansen, the step of determining whether a message is urgent (step 35) takes place before the retrying step (step 41).

Regarding claims 24, 30, in Hansen, step 43 (which confirms message delivery) takes place before step 38 (which checks whether any further recipients exist).

Regarding claims 27, 33, in Hansen, step 38 determines whether the urgent message has been delivered all recipients after the urgent message has been delivered to all recipients.

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Regarding claims 28, 34, in Hansen, the recipient terminal can be any terminal with a telephone number registered in the central office, including a mobile telephone.

Regarding claims 29, 35, Hansen provides for merely sending a waiting message indicator signal to each recipient (col. 4, lines 45-50).

Allowable Subject Matter

3. Claims 21-23 are allowed.
4. Claims 3, 6, 9, 12, 17, 36-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed June 15, 2004 have been fully considered but they are not persuasive.

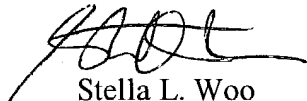
Applicant argues that in Hanson, "[i]t is just assumed...that the message was successfully stored...and does not teach or suggest taking any action 'if the text message transmission succeeds.'" However, the rejection of claims 1-2, 4-5, 7-8, 10-11, 13-16, 18-20, 24-35 relies upon the second embodiment of Hanson (depicted in Figure 2) in which an urgent message can be delivered by the system in which each recipient is called by the system, and upon answering, the message is transmitted to the recipient. After a recipient answers (step 43) and the message is delivered (step 44), the system determines whether any other recipients exist (step 38).

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stella L. Woo
Primary Examiner
Art Unit 2643